IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Crl. Rev. Pet. No. 4405 of 2006

CRA.732/2005 of SESSIONS COURT, KOZHIKODE
ST.1181/2003 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE

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REVN. PETITIONER/ ACCUSED:

S. SHAJAHAN, VENUS CASTLE,
S.N. JUNCTION, PALARIVATTOM,
KOCHI.

BY ADV. SRI. P.P. THAJUDEEN

RESPONDENTS/ COMPLAINANT/STATE:
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1. **JOSCO AGENCIES, 8/50, MOONALINGAL, CALICUT, REPRESENTED BY ITS POWER OF ATTORNEY HOLDER K. RAMKUMAR.**

2. **STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. C. K. SURESH
BY ADV. SRI. B. H. MANSOOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.
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Crl.R.P. No. 4405 of 2006
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Dated this 20th day of December, 2006.

ORDER

Admitted. First respondent enters appearance through counsel. Public Prosecutor takes notice for 2nd respondent.

2. Revision Petitioner is the accused in S.T.1181 on the file of the Judicial First Class Magistrate Court-I, Kozhikode. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for six months under section 138 Negotiable Instruments Act. In appeal filed by him, the conviction was confirmed. The direction for payment of compensation was also confirmed. But, sentence was modified by the Sessions Court. This revision arises from the said conviction and sentence.

3. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.12744/2006 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount involved is also paid by the petitioner to the first respondent. On hearing both sides and on

going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No. 12744/2006 and Revision Petition are allowed.

Sd/-

Krs. **K. HEMA, JUDGE.**